

## § 1651.5

(r) Proceedings before the appeal boards shall be open to the public only upon the request of or with the permission of the registrant. The board chairman may limit the number of persons attending the hearing in order to maintain order. If during the hearing the presence of non-participants in the proceedings becomes disruptive the chairman may close the hearing.

[47 FR 4662, Feb. 1, 1982, as amended at 52 FR 24459, July 1, 1987]

### **§ 1651.5 File to be returned after appeal to the district appeal board is decided.**

When the appeal to a district appeal board has been decided, the file shall be returned as prescribed by the Director of Selective Service.

## **PART 1653—APPEAL TO THE PRESIDENT**

Sec.

1653.1 Who may appeal to the President.

1653.2 Procedures for taking an appeal to the President.

1653.3 Review by the National Appeal Board.

1653.4 File to be returned after appeal to the President is decided.

AUTHORITY: Military Selective Service Act, 50 U.S.C. App. 451 *et seq.*; E.O. 11623.

SOURCE: 47 FR 4663, Feb. 1, 1982, unless otherwise noted.

### **§ 1653.1 Who may appeal to the President.**

(a) The Director of Selective Service may appeal to the President from any non-unanimous determination of a district appeal board when he deems it necessary to assure the fair and equitable administration of the Selective Service Law: *Provided*, That, no such appeal will be taken after the expiration of the appeal period prescribed in paragraph (b) of this section.

(b) When a registrant has been classified by a district appeal board and one or more members of the board dissented from that classification, he may within 15 days after a notice thereof has been mailed, appeal to the President and may request a personal appearance before the National Selective Service Appeal Board.

## 32 CFR Ch. XVI (7–1–99 Edition)

### **§ 1653.2 Procedures for taking an appeal to the President.**

(a) When the Director of Selective Service appeals to the President he shall place in the registrant's file a written statement of his reasons for taking such appeal. When an appeal is taken by the Director the registrant will be notified that the appeal has been taken, the reasons therefor, and that the registrant may appear in person before the National Board in accord with § 1653.1(b).

(b) An appeal to the President by the registrant shall be taken by filing a written notice of appeal with the local board that classified him. He may at the same time file a written request to appear before the National Selective Service Appeal Board. Such notice need not be in any particular form but must state the name of the registrant and the fact that he wishes the President to review the determination.

### **§ 1653.3 Review by the National Appeal Board.**

(a) An appeal to the President is determined by the National Appeal Board by its classification of the registrant in a class other than 1-A or by its refusal to take such action. No action shall be taken by the board in the absence of a quorum of its prescribed membership.

(b) Prior to the adjudication of an appeal, the clerk of the appeal board or any compensated employee authorized to perform the administrative duties of the board shall review the file to insure that no procedural errors have occurred during the history of the current claim. Files containing procedural errors will be returned to the board where the errors occurred for any additional processing necessary to correct such errors.

(c) Files containing procedural errors that were not detected during the initial screening but which subsequently surfaced during processing by the appeal board, will be acted on and the board will take such action necessary to correct the errors and process the appeal to completion.

(d) The board shall consider appeals in the order of their having been filed.

(e) Upon receipt of the registrant's file, the board shall ascertain whether the registrant has requested a personal

## Selective Service System

## § 1653.3

appearance before the board. If no such request has been made, the board may classify the registrant on the basis of the material in his file.

(f) The board shall proceed to classify any registrant who has not requested a personal appearance after the specified time in which to request a personal appearance has elapsed.

(g) Not less than 10 days in advance of the meeting at which his claim will be considered, the board shall inform any registrant with respect to whom the Director of Selective Service has appealed or who has requested a personal appearance that he may appear at such meeting and present written evidence bearing on his classification.

(h) During the personal appearance only the registrant may address the board or respond to questions of the board. The registrant will not be permitted to present witnesses at the personal appearance before the National Appeal Board. A registrant may, however, be accompanied by an advisor of his choosing and may confer with the advisor before responding to an inquiry or statement by the board: *Provided*, That, those conferences do not substantially interfere with or unreasonably delay the orderly process of the personal appearance.

(i) If, in the opinion of the board, the informal, administrative nature of the personal appearance is unduly disrupted by the presence of an advisor, the board chairman may require the advisor to leave the hearing room. In such a case, the board chairman shall put a statement of reasons for his action in the registrant's file.

(j) Whenever a registrant who has filed a claim for whom a personal appearance has been scheduled fails to appear in accord with such schedule, the board shall consider any written explanation of such failure that has been filed within five days (or extension thereof granted by the board) after such failure to appear. If the board determines that the registrant's failure to appear was for good cause it shall reschedule the registrant's personal appearance. If the board does not receive a timely written explanation of the registrant's failure to appear for his scheduled personal appearance or if the board determines that the registrant's

failure to appear was not for good cause, the registrant will be deemed to have abandoned his request for personal appearance and the board will proceed to classify him on the basis of the material in his file. The registrant will be notified in writing of its action under this paragraph.

(k) A quorum of the prescribed membership of a board shall be present during all personal appearances. Only those members of the board before whom the registrant appears shall classify him.

(l) At any such appearance, the registrant may: Present oral testimony; point out the class or classes in which he thinks he should have been placed; and direct attention to any information in his file. The registrant may present such further written information as he believes will assist the board in determining his proper classification. The information furnished should be as concise as possible.

(m) The registrant may summarize in writing the oral information that he presented and any such summary shall be placed in his file.

(n) A summary will be made of the oral testimony given by the registrant at his personal appearance and such summary shall be placed in the registrant's file.

(o) The board shall classify a registrant who has requested a personal appearance after he:

(1) Has appeared before the National Board; or

(2) Has withdrawn his request to appear; or

(3) Has waived his right to an opportunity to appear; or

(4) Has failed to appear.

(p) Whenever the National Board or the panel thereof to which a case has been assigned cannot act on the case of a registrant, and there is no other panel of the National Board to which the case may be transferred, the decision of the District Appeal Board will be final.

(q) In considering a registrant's appeal, the board shall not receive or consider any information other than the following:

(1) Information contained in the registrant's file; and

#### § 1653.4

(2) Oral statements by the registrant at the registrant's personal appearance; and

(3) Written evidence submitted by the registrant to the board during his personal appearance.

(r) In the event that the board classifies the registrant in a class other than that which he requested, it shall record its reasons therefor in his file.

(s) The making of verbatim transcripts, and the using of cameras or other recording devices are prohibited in proceedings before the board. This does not prevent the registrant or Selective Service from making a written summary of his testimony.

(t) Proceedings before the National Appeal Board are closed to the public.

[47 FR 4663, Feb. 1, 1982, as amended at 52 FR 24459, July 1, 1987]

#### § 1653.4 File to be returned after appeal to the President is decided.

When the appeal to the President has been decided, the file shall be returned as prescribed by the Director of Selective Service.

### PART 1656—ALTERNATIVE SERVICE

Sec.

1656.1 Purpose; definitions.

1656.2 Order to perform alternative service.

1656.3 Responsibility for administration.

1656.4 Alternative Service Office: jurisdiction and authority.

1656.5 Eligible employment.

1656.6 Overseas assignments.

1656.7 Employer responsibilities.

1656.8 Employment agreements.

1656.9 Alternative service worker's responsibilities.

1656.10 Job placement.

1656.11 Job performance standards and sanctions.

1656.12 Job reassignment.

1656.13 Review of alternative service job assignments.

1656.14 Postponement of reporting date.

1656.15 Suspension of order to perform alternative service because of hardship to dependents.

1656.16 Early release—grounds and procedures.

1656.17 Administrative complaint process.

1656.18 Computation of creditable time.

1656.19 Completion of alternative service.

1656.20 Expenses for emergency medical care.

AUTHORITY: Sec. 6(j) Military Selective Service Act; 50 U.S.C. App. 456(j).

#### 32 CFR Ch. XVI (7–1–99 Edition)

SOURCE: 48 FR 16676, Apr. 19, 1983, unless otherwise noted.

#### § 1656.1 Purpose; definitions.

(a) The provisions of this part govern the administration of registrants in Class 1-W and the Alternative Service Program.

(b) The definitions of this paragraph shall apply in the interpretation of the provisions of this part:

(1) *Alternative Service (AS)*. Civilian work performed in lieu of military service by a registrant who has been classified in Class 1-W.

(2) *Alternative Service Office (ASO)*. An office to administer the Alternative Service Program in a specified geographical area.

(3) *Alternative Service Office Manager (ASOM)*. The head of the ASO.

(4) *Alternative Service Work*. Civilian work which contributes to the maintenance of the national health, safety or interest, as the Director may deem appropriate.

(5) *Alternative Service Worker (ASW)*. A registrant who has been found to be qualified for service and has been ordered to perform alternative service (Class 1-W).

(6) *Civilian Review Board*. A board to review appeals by ASWs of job assignments.

(7) *Creditable Time*. Time that is counted toward an ASW's fulfillment of his alternative service obligation.

(8) *Director*. The Director of Selective Service, unless used with a modifier.

(9) *Employer*. Any institution, firm, agency or corporation engaged in lawful activity in the United States, its territories or possessions, or in the Commonwealth of Puerto Rico, that has been approved by Selective Service to employ ASWs.

(10) *Job Assignment*. A job with an eligible employer to which an ASW is assigned to perform his alternative service.

(11) *Job Bank*. A current inventory of alternative service job openings.

(12) *Job Matching*. A comparison of the ASW's work experience, education, training, special skills, and work preferences with the requirements of the positions in the job bank.

(13) *Job Placement*. Assignment of the ASW to alternative service work.